

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERAL HOWARD, #195599

Petitioner,

Case Number: 09-14115

Honorable Arthur J. Tarnow

v.

GERAL HOFBAUER,

Respondent.

OPINION AND ORDER APPOINTING COUNSEL FOR PETITIONER

Petitioner, Gerald Howard, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner has not filed any motion requesting the appointment of counsel. Rather, the Court finds that, on the basis of the facts presented, Petitioner will benefit from counsel in this case.

The Court acknowledges that there exists no constitutional right to the appointment of counsel in civil cases, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines, after careful consideration, that, in the interests of justice, the appointment of counsel at this time would benefit Petitioner.

Accordingly, the Court **ORDERS** that Federal Defender Office be appointed for Petitioner in this case until further order of the Court.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: June 18, 2010

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on June 18, 2010, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary